**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.914 OF 2006**

**Dated: 13-04-2006**

Between :

State Bank of India, Nacharam Branch,

Hyderabad. … Petitioner

And

The Recovery Officer, Employees Provident

Fund Organisation, 3-4-763,

Bhavishyanidi Bhavan, Barkatpura,

Hyderabad. … Respondent

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**ORDER :**

This writ petition is filed seeking a declaration that the action of the respondent – Recovery Officer, Employees Provident Fund Organisation in proposing to conduct auction for sale of certain properties which are allegedly mortgaged in favour of the petitioner Bank by M/s. Select Electronics Private Limited as arbitrary and illegal.

When the matter is taken up for consideration, the learned Standing Counsel appearing for the respondent submits that in view of the interim orders granted by this Court, the sale could not be held on 17-1-2006. The learned Standing Counsel further submits that as per Rule 11 (6) of Schedule-II of the Income-tax Act, 1961 as made applicable to recovery of arrears under Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short, 'the Act') by virtue of Section 8-G of the said Act, the petitioner has to institute a suit in a Civil Court for redressal of its grievance.

Having regard to the facts and circumstances of the case, I am of the opinion that the petitioner cannot maintain this writ petition in the light of the remedy provided under Rule 11 of Schedule-II of the Income Tax Act, as made applicable by Section 8-G of the Act with regard to any claim or objection to the sale of property for recovery of arrears under the Act.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the remedy as available under law for redressal of its grievance. No costs.

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G. ROHINI, J.

Dt. 13-04-2006

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